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EXAMINER
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DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/995,432	<b>Applicant(s)</b> WOLOCHOW ET AL.	
	<b>Examiner</b> Willie J. Daniel, Jr.	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3,5,6,8-17,19-21 and 23-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-17,19-21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to applicant's RCE amendment filed on 06 December 2005.

**Claims 1, 3, 5-6, 8-17, 19-21, and 23-25** are now pending in the present application in which **claims 2, 4, 7, 18, and 22** have been canceled. This office action is made **Non-Final**.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06 December 2005 has been entered.

#### ***Drawings***

3. The objection of the drawings is withdrawn, as the proposed specification correction is approved.

#### ***Claim Objections***

4. **Claim 23** is objected to because of the following informalities:
  - a. Claim 23 recites the limitation "...of claim **22**..." in line 1 of the claim. Since claim 22 has been canceled by applicant, claim 23 cannot depend on claim 22. The

Examiner suggests, for example, "...of claim 14..." to have proper claim dependency for claim 23.

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, 5-6, 8-11, 13-16, 18-21, and 23-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kinnunen et al.** (hereinafter Kinnunen) (**US 2001/0018349 A1**) in view of **Kovacs et al.** (hereinafter Kovacs) (**US 2001/0003191 A1**).

Regarding **claim 1**, Kinnunen discloses an automated service handoff system (see pgs. 3-4, [0073-0074]; pg. 6, [0111]; pg. 7, [0131]; pg. 5, [0094, 0099-0101]; Figs. 1-2), where the mobile user (214) is provide with services while moving between areas, comprising:

an extensible markup language-based (i.e., XML) service registry (e.g., service repository 260) including a list of available services (e.g., printer) (see pg. 6, [0108, 0110]; pg. 7, [0120]; pg. 3, [0065, 0070]; Fig. 2 "ref. 254 and 256"), where the mobile user can access services such as a printer in the localized area of the mobile user;

a mobile terminal (ME 214) which reads on the claimed "mobile device" associated with a current location (see pg. 3, [0065-0069]; pgs. 3-4, [0073-0074]; pg. 1, [0007]; Figs. 1-3),

wherein the mobile device (214) includes a list of preferred services and a memory (e.g., service view agent 222) having a plurality of location signatures (see pg. 4, [0076]; pg. 5, [0094, 0099-0101]), where the user of the ME (214) is provided services of a particular location in accordance with a service profile,

wherein the mobile device (214) is to send a query including a service location associated with the current location and at least one selected member of the list of preferred services to the service registry (e.g., service repository 260) (see pg. 3, [0065, 0070]; pg. 6, [0110, 0114-0116]; pg. 7, [0124-0125]; Fig. 5),

associated with a bound member of the list of preferred services (e.g., printer) (see pg. 3, [0065, 0070]; pg. 6, [0110, 0114-0116]; pg. 7, [0124-0125, 0128]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services (e.g., printer) are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) located within. , and

wherein the mobile device (ME 214) is to receive a response to the query from the service registry including at least one selected alternative member of the list of available services (see pg. 3, [0065, 0070]; pg. 5, [0100-0102]; pg. 6, [0109-0110, 0114-0116]; pg. 7, [0124-0125, 0128]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) located within. ; and

a location agent (218) which reads on the claimed "location determination module" to determine the current location of the mobile device (214) and to be communicatively

coupled with the mobile device (214) (see pg. 5, [0094-0095]; pg. 2, [0023, 0034, 0037]; Figs. 1-2). Kinnunen does not specifically disclose having the feature when a quality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded. However, the examiner maintains that the feature when a quality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded was well known in the art, as taught by Kovacs.

In the same field of endeavor, Kovacs discloses the feature when a quality of service associated with a bound member (e.g., printer 8) of the list of preferred services and determined by the mobile device (e.g., A, B, C) has degraded (see pg. 4, [0045]; pg. 6, [0068-0071]; pg. 7, [0093-0102, 0109]; Figs. 1-4), where quality of service between paths of services are monitored and alternative service paths are provided for degrading paths.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the feature when a quality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020]).

Regarding **claim 3**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 1), in addition Kinnunen further discloses the automated service handoff system of claim 1, wherein the list of available services includes a

service provider, a service type, and a service location for the at least one selected member of the list of available services (see pg. 6, [0108-0110]; Figs. 1-2 and 5).

Regarding **claim 5**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 1), in addition Kinnunen further discloses the automated service handoff system of claim 1, wherein the location determination entity (218) is included in the mobile device (214) (see pg. 5, [0094-0095]; pg. 2, [0023, 0034, 0037]; Figs. 1-2).

Regarding **claim 6**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 5), in addition Kinnunen further discloses the automated service handoff system of claim 5, wherein the location determination entity (218) includes a global positioning system receiver (see pg. 5, [0094-0095]; pg. 2, [0023, 0034, 0037]; pg. 1, [0006]; Figs. 1-2).

Regarding **claim 8**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim ), in addition Kinnunen further discloses the automated service handoff system of claim 1, further comprising:

a computer (e.g., service view 256 and 222) to be communicatively coupled with the mobile device and to transmit the list of preferred services to the mobile device (214) (see pg. 4, [0076]; pg. 5, [0094, 0099-0101]; pg. 6, [0108]; Figs. 1-2 and 5), where the service view (222, 256) informs the user of the ME (214) of services provided in a particular location in accordance with a service profile.

Regarding **claim 9**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 1), in addition Kinnunen further discloses the automated service handoff system of claim 1, further comprising:

at least one computer (e.g., service view 256 and 222) to publish the at least one selected member of the list of available services to the service registry (see pg. 5, [0101]; pg. 6, [0108]; Figs. 1-2 and 5).

Regarding **claim 10**, Kinnunen discloses mobile terminal (ME 214) which reads on the claimed “a mobile device” (see Figs. 1-2), comprising:

a processor module (e.g., LDS client 216) (see pg. 5, [0094]; pgs. 5-6, [0102]; Figs. 1-2);

a local memory (e.g., service view agent 222) communicatively coupled to the processor module (216) to store a list of preferred services and a memory (e.g., service view agent 222) having a plurality of location signatures, a current location of the mobile device, and a previous location of the mobile device (see pg. 4, [0076]; pg. 5, [0094, 0099-0101]), where the user of the ME (214) is provided services of a particular location in accordance with a service profile; and

a communications medium interface communicatively coupled to the processor module (e.g., LDS client 216) and to couple to an extensible markup language-based (i.e., XML) service registry (e.g., service repository 260) (see pg. 6, [0108, 0110]; pg. 7, [0120]; pg. 3, [0065, 0070]; Fig. 2 “ref. 254 and 256”; Figs. 1-2), where the mobile user can access services such as a printer in the localized area of the mobile user,

to send a query including a service location associated with the current location of the mobile device (214) and at least one selected member of the list of preferred services to the



service registry (e.g., service repository 260) (see pg. 3, [0065, 0070]; pg. 6, [0110, 0114-0116]; pg. 7, [0124-0125]; Figs. 1-2 and 5),

associated with a bound member of the list of preferred services (e.g., printer) (see pg. 3, [0065, 0070]; pg. 6, [0110, 0114-0116]; pg. 7, [0124-0125, 0128]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services (e.g., printer) are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) is located within. , and

to receive a response to the query from the service registry (e.g., service repository 260) including at least one selected alternative member of the list of available services (see pg. 3, [0065, 0070]; pg. 5, [0100-0102]; pg. 6, [0109-0110, 0114-0116]; pg. 7, [0124-0125]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) is located within. Kinnunen does not specifically disclose having the feature when a quality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded. However, the examiner maintains that the feature when a quality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded was well known in the art, as taught by Kovacs.

Kovacs further discloses the feature when a quality of service associated with a bound member (e.g., printer 8) of the list of preferred services and determined by the mobile device (e.g., A, B, C) has degraded (see pg. 4, [0045]; pg. 6, [0068-0071]; pg. 7, [0093-0102, 0109];

Figs. 1-4), where quality of service between paths of services are monitored and alternative service paths are provided for degrading paths.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the feature when a quality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020]).

Regarding **claim 11**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 10), in addition Kinnunen further discloses the mobile device of claim 10, further comprising:

a location determination module (218) to determine the current location of the mobile device (214) (see pg. 5, [0094-0095]; pg. 2, [0023, 0034, 0037]; Figs. 1-2).

Regarding **claim 13**, Kinnunen discloses every limitation claimed as applied above in claim 10. Kinnunen does not specifically disclose having the feature a comparator coupled to the processor module to determine whether a selected number of services are available for binding to the mobile device. However, the examiner maintains that the feature a comparator coupled to the processor module to determine whether a selected number of services are available for binding to the mobile device was well known in the art, as taught by Kovacs.

Kovacs further discloses the feature a comparator coupled to the processor module to determine whether a selected number of services are available for binding to the mobile device (e.g., A, B, C) (see pg. 8, [0109, 0106]; pg. 2, [0017]; Figs. 1 and 4), where the ME

(214) is provided with a list of available services to select in which the quality of services is monitored.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the feature a comparator coupled to the processor module to determine whether a selected number of services are available for binding to the mobile device, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020]).

Regarding **claim 14**, Kinnunen discloses a method of automating service handoff operations (see pgs. 3-4, [0073-0074]; pg. 6, [0111]; pg. 7, [0131]; pg. 5, [0094, 0099-0101]; Figs. 1-2), where the mobile user (214) is provide with services while moving between areas, comprising:

determining a current location of a mobile device (214) having a memory (e.g., service view agent 222) including a plurality of location signatures (see pg. 3, [0065-0069]; pgs. 3-4, [0073]; pg. 4, [0074, 0076]; pg. 5, [0094, 0099-0101]; pg. 1, [0007]; Figs. 1-3 and 5-7), where the user of the ME (214) is provided services of a particular location in accordance with a service profile;

sending a first query including a service location associated with the current location and at least one selected member of a list of preferred services associated with the mobile device (214) to an extensible markup language-based service registry (e.g., service repository 260) (see pg. 3, [0065, 0070]; pg. 6, [0110, 0114-0116]; pg. 7, [0124-0125]; Figs. 1-2 and 5),

associated with a bound member of the list of preferred services (e.g., printer) (see pg. 3, [0065, 0070]; pg. 6, [0110, 0114-0116]; pg. 7, [0124-0125, 0128]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services (e.g., printer) are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) is located within. , and

receiving a response to the query from the service registry (e.g., service repository 260) including at least one selected a alternative member of a list of available services maintained by the service registry (e.g., service repository 260) (see pg. 3, [0065, 0070]; pg. 5, [0100-0102]; pg. 6, [0109-0110, 0114-0116]; pg. 7, [0124-0125, 0128]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) is located within. ; and

binding the at least one selected alternative member of the list of available services maintained by the service registry (e.g., service repository 260) to the mobile device (see pg. 3, [0065, 0070]; pg. 5, [0100-0102]; pg. 6, [0109-0110, 0114-0116]; pg. 7, [0124-0125, 0128]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) is located within. Kinnunen does not specifically disclose having the feature when a plurality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded. However, the examiner maintains that the feature when a plurality of service associated with a bound member of the list of preferred services and

determined by the mobile device has degraded was well known in the art, as taught by Kovacs.

Kovacs further discloses the feature when a plurality of service associated with a bound member (e.g., printer 8) of the list of preferred services and determined by the mobile device (e.g., A, B, C) has degraded (see pg. 4, [0045]; pg. 6, [0068-0071]; pg. 7, [0093-0102, 0109]; Figs. 1-4), where quality of service between paths of services are monitored and alternative service paths are provided for degrading paths.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the feature when a plurality of service associated with a bound member of the list of preferred services and determined by the mobile device has degraded, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020]).

Regarding **claim 15**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 14), in addition Kinnunen further discloses the method of claim 14, further including:

determining that the mobile device (214) has moved to a new current location (see pg. 7, [0128]; pg. 5, [0094-0095]; pg. 2, [0023, 0034, 0037]; Figs. 1-2), where the ME (214) moves to a new area; and

sending a second query including a service location associated with the new current location (see pg. 7, [026, 0128, 0131]; Figs. 1-2 and 5), where the ME (214) sends information to receive new services for the new deployment area, and

the at least one selected member of the list of preferred services associated with the mobile device to the service registry (see pg. 7, [0128, 0131]; Figs. 5-6), where the ME (214) receives updates of available services within the current range of the deployment area.

Regarding **claim 16**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 15), in addition Kinnunen further discloses the method of claim 15, wherein determining that the mobile device has moved to a new current location further includes:

storing the current location as a previous location (see pg. 5, [0094-0095]; pg. 2, [0023, 0034, 0037]; Figs. 1-2);

determining the new current location of the mobile device (see pg. 7, [0128]; Figs. 5-6);  
and

determining that the new current location is not the same as the previous location (see pg. 7, [0126-0131]; Figs. 5-6), where the service configurator (254) checks the new current location against the previously stored services and identifies services which are newly available.

Regarding **claim 19**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 14), in addition Kinnunen further discloses the method of claim 14, further including:

determining that the mobile device (214) has moved to a new current location device (see pg. 7, [0126-0131]; Figs. 5-6), where the service configurator (254) checks the new current location against the previously stored services and identifies services which are newly available; and

recalling a selected one of the plurality of location signatures associated with the new current location (see pg. 8, [0143]; pg. 9, [0148]), where storing network service registrations and the registrations are retrieved by frequent polling.

Regarding **claim 20**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 15), in addition Kinnunen further discloses the method of claim 15, further including:

informing a user of the mobile device (214) that the at least one selected member of the list of preferred services associated with the mobile device (214) is not available for use by the mobile device (214) (see pg. 7, [0131]; pg. 8, [0141-0142]), where the services of the previous deployment area are not available and the ME (214) is provided with the services of the current deployment area.

Regarding **claim 21**, the combination of Kinnunen and Kovacs discloses every limitation claimed, as applied above (see claim 20), in addition Kinnunen further discloses the method of claim 20, further including:

binding an alternative available service to the mobile device (see pg. 3, [0065, 0070]; pg. 5, [0100-0102]; pg. 6, [0109-0110, 0114-0116]; pg. 7, [0124-0125, 0128]; pg. 8, [0139-0142]; Fig. 5), where ME (214) is provided with services available in the areas of the ME (214). As the ME (214) moves between areas, alternative services are provided according to the particular location area (e.g., floor, building, room, etc.) the ME (214) is located within.

Regarding **claim 23**, Kinnunen discloses every limitation claimed as applied above in claim 14. Kinnunen does not specifically disclose having the feature retrieving the quality of service associated with the bound member. However, the examiner maintains that the feature

retrieving the quality of service associated with the bound member was well known in the art, as taught by Kovacs.

Kovacs further discloses the feature retrieving the quality of service associated with the bound member (see pg. 4, [0045]; pg. 6, [0068-0071]; pg. 7, [0093-0102, 0109]; Figs. 1-4), where quality of service between paths of services are monitored and alternative service paths are provided for degrading paths.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the feature retrieving the quality of service associated with the bound member, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020]).

Regarding **claim 24**, Kinnunen discloses every limitation claimed as applied above in claim 23. Kinnunen does not specifically disclose having the feature retrieving the quality of service associated with the bound member from the service registry. However, the examiner maintains that the feature retrieving the quality of service associated with the bound member from the service registry was well known in the art, as taught by Kovacs.

Kovacs further discloses the feature retrieving the quality of service associated with the bound member from the service registry (see pg. 4, [0045]; pg. 6, [0068-0071]; pg. 7, [0093-0102, 0109]; Figs. 1-4), where quality of service between paths of services are monitored and alternative service paths are provided for degrading paths.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the



Art Unit: 2617

feature retrieving the quality of service associated with the bound member from the service registry, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020]).

Regarding **claim 25**, Kinnunen discloses every limitation claimed as applied above in claim 23. Kinnunen does not specifically disclose having the feature retrieving the quality of service associated with the bound member from a service provider associated with the bound member. However, the examiner maintains that the feature retrieving the quality of service associated with the bound member from a service provider associated with the bound member was well known in the art, as taught by Kovacs.

Kovacs further discloses the feature retrieving the quality of service associated with the bound member from a service provider associated with the bound member (see pg. 4, [0045]; pg. 6, [0068-0071]; pg. 7, [0093-0102, 0109]; Figs. 1-4), where quality of service between paths of services are monitored and alternative service paths are provided for degrading paths.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen and Kovacs to have the feature retrieving the quality of service associated with the bound member from a service provider associated with the bound member, in order to provide a communication device and software for operating multimedia applications in one or more communication networks, as taught by Kovacs (see pg. 2, [0020])

**Claims 12 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kinnunen et al.** (hereinafter Kinnunen) (**US 2001/0018349 A1**) in view of **Kovacs et al.** (hereinafter Kovacs) (**US 2001/0003191 A1**) as applied to claim 10 and 15 above, and further in view of **Chern et al.** (hereinafter Chern) (**US 6,381,465 B1**).

Regarding **claim 12**, the combination of Kinnunen and Kovacs discloses every limitation claimed as applied above in claim 10. The combination of Kinnunen and Kovacs does not specifically disclose having the feature a timer coupled to the processor module to determine a service query update interval. However, the examiner maintains that the feature a timer coupled to the processor module to determine a service query update interval was well known in the art, as taught by Chern.

In the same field of endeavor, Chern discloses the feature a timer (e.g., periodically) coupled to the processor module to determine a service query update interval (see col. 12, line 44 - col. 13, line 12; col. 10, lines 18-52; Figs. 2 and 11), where a mobile device (130) periodically sends location info to the server.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen, Kovacs, and Chern to have the feature a timer coupled to the processor module to determine a service query update interval, in order to provide advertising or promotional material based on the user's location, profile, and content of the alert message, as taught by Chern (see col. 1, lines 50-53).

Regarding **claim 17**, the combination of Kinnunen and Kovacs discloses every limitation claimed as applied above in claim 10. The combination of Kinnunen and Kovacs does not specifically disclose having the feature determining that a polling interval time

period has ended. However, the examiner maintains that the feature determining that a polling interval time period has ended was well known in the art, as taught by Chern.

In the same field of endeavor, Chern discloses the feature determining that a polling interval time period has ended (see col. 12, line 44 - col. 13, line 12; col. 10, lines 18-52; Figs. 2 and 11), where a mobile device (130) periodically sends location info to the server in which the periodic updates are stopped when the user of the mobile device (130) reaches the destination.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kinnunen, Kovacs, and Chern to have the feature determining that a polling interval time period has ended, in order to provide advertising or promotional material based on the user's location, profile, and content of the alert message, as taught by Chern (see col. 1, lines 50-53).

*Response to Arguments*

6. Applicant's arguments with respect to claims 1, 3, 5-6, 8-17, 19-21, and 23-25 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR  
21 May 2006

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